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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,015	02/07/2001	Jun Suzuki	Q62980	6229

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

LETSCHER, GEORGE J

ART UNIT PAPER NUMBER

2653

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,015

Applicant(s)

SUZUKI ET AL

Examiner

George J. Letscher

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinozuka et al (US 6,404,728).

Claims 3-5 recite the following elements, inter alia, disclosed in Shinozuka et al '728: a lens device (1) having an objective lens (2) and drive coils (12, 13) fixed to the lens holder (3); a plurality of wire-form elastic members (6) made of metal which energize the drive coils. The lens holder is a resin with its two side ends of wire-form elastic metal members such that the wire form members are embedded within the lens holder and suspension base; see Figures 3, 6 or 8 where the wire members are embedded, i.e., to make an integral part of, and fixed via adhesive; see column 3, lines 50-59 & column 12, lines 10-26. This electrically connects the wires 6 to the drive coils 12,13 and the lens holder. Two ends of the lens holder are exposed so that they are connection terminals to the drive coils. The lens and drive coils are fixed on the lens holder. See Figures 2-3 & 6-8 of Shinozuka et al '728.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Tanaka (US 5,068,844) view of Shinozuka et al '728.

The aforementioned claims recite the following features, inter alia, disclosed in Tanaka: a lens device (1) having an objective lens (28) and drive coils (29-31) fixed to the lens holder (25); a plurality of wire-form elastic members (14-15) made of metal which energize the drive coils. The lens holder has its two side ends connected with wire-form elastic metal members such that the wire form members are buried (claim 1), i.e., covered from view, as well as embedded (claim 3) within the lens holder and suspension base (via recesses (18a-d)) where they are fixed via adhesive; see Figures 1-2 of Tanaka; see column 3, lines 30-49 & column 12, lines 10-26. This electrically connects the wires (14-15, 21-22) to the drive coils and lens holder. Two ends of the lens holder are exposed so that they are connection terminals to the drive coils. The lens and drive coils are fixed on the lens holder.

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Regarding claims 1 and 3, Tanaka does not expressly show the lens holder being a resin. Shinozuka et al '728 shows its lens device having an integral resin lens holder and wire holder; see column 8, lines 50-68. The description of Shinozuka et al '728 is in paragraph 3, supra.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have furnished the optical disc lens drive device having wire-form elastic members integrally connected, buried, embedded, with lens and wire, i.e., connective holders, as shown by Tanaka with the lens holder being made of a resin as taught by Shinozuka et al '728. The rationale is as follows: one of ordinary skill in the art would have been motivated to have furnished the optical disc lens drive device having wire-form elastic members integrally connected, buried, embedded with fixing arms as shown by Tanaka as taught by Shinozuka et al '728 since one of ordinary skill in the art recognized that the wires were attached in such a manner that the positional relationships which they have immediately after they are molded are maintained; see column 3, lines 44-49 of Shinozuka et al '728.

Response to Amendment

7. Applicant's arguments filed 11/22/04 have been fully considered but they are not persuasive.


Applicant's arguments with respect to claims 1 and 3 have been considered by the Examiner but are not deemed persuasive as Tanaka clearly illustrates buried, embedded wires in the lens holder and wire holder portions of the lens device. The "molding" term in the claims refers to a method step and has only been accorded weight as to its resin material structure.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Letscher whose telephone number is (703) 305-7912.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

George Letscher
February 7, 2005


George Letscher
Primary Examiner
AU 2653